



45 Broadway, 21st Floor, New York, NY 10006  
212.952.1100 • Fax: 212.952.1110  
[www.hcandglaw.com](http://www.hcandglaw.com)

Margot Wilensky  
Direct: 212.952.1106  
[margot.wilensky@hcandglaw.com](mailto:margot.wilensky@hcandglaw.com)

October 14, 2010

Via Facsimile to (609) 989-0435

Hon. Tonianne J. Bongiovanni, U.S.M.J.  
United States District Court, District Court of New Jersey  
402 East State Street  
Courtroom 6 East  
Trenton, New Jersey 08608

**Re: DeGennaro v. Rally Manufacturing Inc., et al.**  
Civil Action No.: 09-443 (JAP)  
Our File No.: 348-1014

Dear Judge Bongiovanni:

This firm represents defendants Rally Manufacturing, Inc. ("Rally") and Pep Boys—Manny Moe & Jack of Delaware, Inc. ("Pep Boys"). We write to request an extension of the October 29, 2010 fact discovery deadline, to accommodate the completion of depositions. Plaintiff has consented to the extension. We are scheduled to have a telephone status conference with Your Honor on October 27, 2010.

Plaintiff's deposition was completed on October 12, 2010. Rally's witness, Eddie Garrastacho, however, is on business in China until the end of November. As such, we have scheduled his deposition, at the earliest possible time, for December 2, 2010. Plaintiff has been advised of this scheduling issue, and has agreed to take the deposition of Rally's witness on December 2, 2010. As for the deposition of Pep Boys, due to scheduling conflicts, we are unable to schedule the deposition of Jason Garvey until the week of December 6, 2010. As such, we respectfully request that Your Honor extend fact discovery to accommodate the completion of depositions, to December 15, 2010.

*Granted. The Oct 27, 2010 telephone conference is rescheduled to Dec 2, 2010 at 10:30. Plaintiff shall initiate the call.*

We appreciate Your Honor's time and attention to this matter.

Respectfully submitted,

Margot Wilensky

Haworth Coleman & Gerstman, LLC

MW/mw

**ORDER ON ORAL MOTION**